

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

**Kevin David Tolejko**  
Debtor(s)

Bankruptcy Case No.: 19-24789-CMB  
Per February 25, 2021 Proceeding  
Chapter: 13  
Docket No.: 71 - 54, 69  
Concl. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED  
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

**(1.) PLAN CONFIRMATION:**

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated September 15, 2020 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. *A final plan conciliation conference will be held on at , in .* If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under 11 U.S.C. §506, disputes over the amount and allowance of claims entitled to priority under 11 U.S.C. §507, and all objections to claims.
- E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to it's administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Pennymac (Cl 23-2) with payment changes .
- H. Additional Terms: The plan provision for Ford Motor Credit is stricken as duplicate of Cl #24.

**(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:**

**A. Objections to the Plan.** Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

**B. Applications to retain brokers, sales agents, or other professionals.** If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

**C. Review of Claims Docket and Objections to Claims.** Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

**D. Motions or Complaints Pursuant to §§506, 507 or 522.** All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

**E. Filing Amended Plans.** Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) **IT IS FURTHER ORDERED THAT:**

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

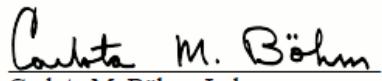
B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.P.A.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any *secured claim* that is secured by the subject property, unless directed otherwise by further Order of Court.



Carlota M. Böhm  
Carlota M. Böhm, Judge  
United States Bankruptcy Court

Dated: March 1, 2021

cc: All Parties in Interest to be served by Clerk in seven (7) days

In re:  
Kevin David Tolejko  
Debtor

Case No. 19-24789-CMB  
Chapter 13

## CERTIFICATE OF NOTICE

District/off: 0315-2

User: gamr

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Date Rcvd: Mar 01, 2021

Form ID: 149

Total Noticed: 29

The following symbols are used throughout this certificate:

**Symbol      Definition**

- + Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
- ++ Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.P.2002(g)(4).

**Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 03, 2021:**

| Recip ID | Recipient Name and Address  |
|----------|---|
| db       | + Kevin David Tolejko, 107 Jodi Road, Beaver, PA 15009-9521   |
| 15171210 | ++ BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238 address filed with court:, Bank of America, PO Box 982238, El Paso, TX 79998 |
| 15183982 | + Bank of America, N.A., P O Box 982284, El Paso, TX 79998-2284   |
| 15171212 | + Barclays Bank, PO Box 8803, Wilmington, DE 19899-8803   |
| 15171213 | + Best Buy, PO Box 30253, Salt Lake City, UT 84130-0253   |
| 15171216 | Citi Card, PO Box 9001037, Louisville, KY 40290-1037  |
| 15171219 | + Ford Motor Credit, PO Box 650575, Dallas, TX 75265-0575   |
| 15203531 | + PENNYMAC LOAN SERVICES, LLC, P.O. BOX 2410, MOORPARK CA 93020-2410  |
| 15171222 | + Pennymac Loan Services, LLC, 3043 Townsgate Road, Suite 200, Westlake Village, CA 91361-3027  |
| 15185694 | + Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Avenue, Pittsburgh, PA 15233-1828                       |

TOTAL: 10

**Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.**

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

| Recip ID | Notice Type: Email Address                             | Date/Time            | Recipient Name and Address  |
|----------|--|----------------------|---|
| cr       | + Email/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com | Mar 02 2021 02:59:27 | PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021   |
| 15232736 | Email/Text: Bankruptcy.RI@Citizensbank.com             | Mar 02 2021 04:01:00 | Citizens Bank N.A., One Citizens Bank Way Mailstop JCA115, Johnston RI 02919  |
| 15171214 | + Email/PDF: AIS.cocard.ebn@americaninfosource.com     | Mar 02 2021 02:59:24 | Capital One, PO Box 30281, Salt Lake City, UT 84130-0281  |
| 15183332 | Email/PDF: AIS.cocard.ebn@americaninfosource.com       | Mar 02 2021 03:01:14 | Capital One Bank (USA), N.A., by American InfoSource as agent, PO Box 71083, Charlotte, NC 28272-1083                 |
| 15171215 | + Email/PDF: gecsed@recoverycorp.com                   | Mar 02 2021 02:59:22 | Care Credit, PO Box 965036, Orlando, FL 32896-5036  |
| 15171216 | Email/PDF: Citi.BNC.Correspondence@citi.com            | Mar 02 2021 02:59:41 | Citi Card, PO Box 9001037, Louisville, KY 40290-1037  |
| 15171218 | + Email/PDF: creditonebknotifications@resurgent.com    | Mar 02 2021 03:01:15 | Credit One Bank, PO Box 98872, Las Vegas, NV 89193-8872   |
| 15199489 | + Email/Text: kburkley@bernssteinlaw.com               | Mar 02 2021 04:02:00 | Duquesne Light Company, c/o Bernstein-Burkley, P.C., 707 Grant St., Suite 2200, Gulf Tower, Pittsburgh, PA 15219-1945 |
| 15171220 | + Email/PDF: gecsed@recoverycorp.com                   | Mar 02 2021 02:57:35 | Levin, PO Box 965036, Orlando, FL 32896-5036  |
| 15199584 | + Email/Text: bankruptcydpt@mcmcg.com                  | Mar 02 2021 04:02:00 | Midland Funding LLC, PO Box 2011, Warren, MI 48090-2011   |
| 15171221 | + Email/PDF: gecsed@recoverycorp.com                   | Mar 02 2021 03:01:12 | Networks, PO Box 965036, Orlando, FL 32896-5036   |
| 15171223 | Email/Text: Bankruptcy.Notices@pnc.com                 |                      |   |

District/off: 0315-2

User: gamr

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|          |  |                      |  |
|----------|--|----------------------|--|
| 15181806 | Email/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com | Mar 02 2021 04:01:00 | PNC Bank, PO Box 3180, Pittsburgh, PA 15230  |
|          |  | Mar 02 2021 02:59:27 | Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541                              |
| 15203308 | Email/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com | Mar 02 2021 03:01:18 | Portfolio Recovery Associates, LLC, POB 41067, Norfolk VA 23541                              |
| 15194272 | Email/Text: bnc-quantum@quantum3group.com            | Mar 02 2021 04:01:00 | Quantum3 Group LLC as agent for, CF Medical LLC, PO Box 788, Kirkland, WA 98083-0788         |
| 15171225 | + Email/PDF: gecsed@recoverycorp.com                 | Mar 02 2021 03:01:12 | SYNCB, PO Box 965015, Orlando, FL 32896-5015   |
| 15171224 | + Email/PDF: gecsed@recoverycorp.com                 | Mar 02 2021 02:59:22 | Sleep Number, Po Box 965036, Orlando, FL 32896-5036  |
| 15171460 | + Email/PDF: gecsed@recoverycorp.com                 | Mar 02 2021 02:59:22 | Synchrony Bank, c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021 |
| 15193416 | + Email/Text: bankruptcy@huntington.com              | Mar 02 2021 04:02:00 | The Huntington National Bank, PO Box 89424, Cleveland, OH 44101-6424                         |
| 15197021 | Email/PDF: EBN_AIS@AMERICANINFOSOURCE.COM            | Mar 02 2021 02:57:45 | Verizon, by American InfoSource as agent, PO Box 4457, Houston, TX 77210-4457                |

TOTAL: 20

## BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

| Recip ID | Bypass Reason | Name and Address  |
|----------|---------------|---|
| cr       |               | PENNYMAC LOAN SERVICES, LLC   |
| cr       | *+            | Duquesne Light Company, c/o Bernstein-Burkley, P.C., 707 Grant Street, Suite 2200, Gulf Tower, Pittsburgh, PA 15219-1945            |
| cr       | *+            | Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Ave., Pittsburgh, PA 15233-1828                         |
| 15171211 | *P++          | BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238, address filed with court:, Bank of America, PO Box 982238, El Paso, TX 79998 |
| 15171217 | *             | Citi Card, PO Box 9001037, Louisville, KY 40290-1037  |

TOTAL: 1 Undeliverable, 4 Duplicate, 0 Out of date forwarding address

## NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed.R.Bank.P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Mar 03, 2021

Signature: /s/Joseph Speetjens

## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 1, 2021 at the address(es) listed below:

| Name | Email Address |
|------|---------------|
|------|---------------|

Brian Nicholas

on behalf of Creditor PENNYMAC LOAN SERVICES LLC bnicholas@kmllawgroup.com

Jill Manuel-Coughlin

District/off: 0315-2

User: gamr

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on behalf of Creditor PENNYMAC LOAN SERVICES LLC bankruptcy@powerskirk.com

Joseph Peter Nigro

on behalf of Debtor Kevin David Tolejko nigroassociateslaw@gmail.com  
chrissyvock86@gmail.com;jasonkelley@comcast.net;nigrojr73104@notify.bestcase.com

Keri P. Ebeck

on behalf of Creditor Duquesne Light Company kebeck@bernsteinlaw.com jbluemle@bernsteinlaw.com

Office of the United States Trustee

ustpregion03.pi.ecf@usdoj.gov

Ronda J. Winnecour

cmevf@chapter13trusteedpa.com

S. James Wallace

on behalf of Creditor Peoples Natural Gas Company LLC ecfpeoples@grblaw.com PNGbankruptcy@peoples-gas.com

Thomas Song

on behalf of Creditor PENNYMAC LOAN SERVICES LLC pawb@fedphe.com

TOTAL: 8